

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

BRIGHT REALTY, INC., by Stanley Hackerman, President
County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an **R-6** zone to an **R-4** zone, for the following reasons:

1. Error in the Zoning Map.
2. Change in the character of the area.
3. And for such other and further reasons as may be demonstrated at the hearing hereof.

See attached Description

Property is to be posted and advertised as prescribed by Zoning Regulations. ~~Advertiser~~ agrees to pay expenses of above re-classification ~~advertising~~ advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: **Bright Realty, Inc., by Stanley Hackerman, President**
Address: **924 W. North Ave.**
Date: **May 17, 1965**

Protestant's Attorney: **Harry S. Swartzwelder, Jr.**
Address: **1706 Munsey Building, Baltimore, Maryland**

ORDERED By The Zoning Commissioner of Baltimore County, this **3rd** day of **March**, 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the **5th** day of **May**, 1965, at **10:30** a.m.

A. M.
Zoning Commissioner of Baltimore County.

PETITION FOR RECLASSIFICATION
R-6 to R-4
S/W corner Kinchloe Avenue & Thayer Terrace,
Second District
Case No. 65-311 R

BRIGHT REALTY CO., INC., Petitioner

APPEAL

Mr. Clerk:

Please enter an Appeal from the Decision of the Zoning Commissioner entered in this case on May 12, 1965, on behalf of the Petitioner herein.

Attorney for the Petitioner

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____

the above Re-classification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1965, that the herein described property or area should be and the same is hereby reclassified; from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that _____ the petitioner having failed to prove error on the Land Use Map adopted by the County Council _____

the above re-classification should NOT BE HAD, and the same is hereby DENIED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 1965, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a _____ zone.

Typo error
Corrected per phone
conversation with
Mrs. Harris - 6-4-65

Zoning Commissioner of Baltimore County

MICROFILMED

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING

Harry S. Swartzwelder, Jr., Esq.
1706 Munsey Building
Baltimore, Maryland

Reclassification from
R-6 to R-4 for Bright
Realty, Inc. located
S/W corner Kinchloe Ave & Thayer
Terrace, 2nd District

The Zoning Advisory Committee has reviewed the subject petition makes the following comments:

COMMITTEE ON ZONING LAW, COMMENT: The subject site is isolated in that the only access is by way of residential streets which are not improved to the extent that they could handle the additional traffic which would be generated by the number of parking units proposed. If the subject petition were granted, it would require that the additional traffic would use a private road which is intended to serve the Woodlawn Memorial Park as this is the only direct access to a major collector road.

TRAFFIC ENGINEER: This Bureau will review the subject site and submit comments at a later date.

PLAT REVIEW: See attached sheet.

RECLASSIFICATION:

RECLASSIFICATION: Re-classification from R-6 to R-4 in Thayer Terrace, over - existing 6" in Kinchloe Ave and near the NW corner of the site. Kinchloe Ave to be a 30' curb and gutter paved street on 60' R/W. Adequacy of water and sewer to be determined by the developer or his engineer. Road - Thayer Terrace to be developed as per Baltimore County standards in effect at the time of construction. Storm Drain - There are existing drains at Royal Court and Kinchloe Roads. The site is partly in the Flood Plain of the stream along the southeast property line.

The following agencies had no comment to offer:

Board of Education
Health Department
Industrial Commission
Building Department
State Roads Commission

cc: Albert (Public) Office of Planning and Zoning
Richard Moore-Traffic Engineering
Mr. Morris-Fire Bureau
Carlyle Brown-Bureau of Engineering/ours very truly,

JAMES E. DYER
Chief of Permit and
Petition Processing

RE: PETITION FOR RECLASSIFICATION
from an R-6 zone to an R-4 zone
NW and SW corners of Kinchloe
Avenue and Thayer Terrace,
2nd District
Bright Realty, Inc.,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 65-311-R

OPINION

This matter comes before the Board of Appeals by petition of Bright Realty, Inc. for reclassification from an R-6 zone to an R-4 zone of two small parcels of land located on the northwest and southwest corners of Kinchloe Avenue and Thayer Terrace in the Second Election District of Baltimore County.

The subject property is divided into two separate parcels, Parcel "A" and Parcel "B", on the zoning plat which was marked Petitioners' Exhibit #1; Parcel "A", containing slightly less than an acre, on which fifteen (15) apartment units are proposed to be erected, and Parcel "B", containing slightly more than an acre, on which seventeen (17) units are proposed to be built.

The subject property is bounded on the east by the Clarke Manor Apartments, presently being completed, which front on both sides of Woodlawn Drive (formerly known as Clarke Avenue). To the south of the subject property is public land on which is located the Woodlawn Memorial Park and the Feathered Lane Elementary School which is to the west of that park. On the north and west sides of the property the land is zoned and developed R-6. In fact, the petitioner in this case developed that R-6 property which is known as Royal Court Acres, the subject property being part of the tract from which the Royal Court Acres development originated, the original tract consisting of approximately ten acres. It was the testimony of this developer that after he received his engineering data pertaining to these two acres of ground, he found that it would be impossible to develop them as R-6.

Expert testimony, offered by Lester Matz of the engineering firm of Matz, Childs and Associates, indicated that 384.5 feet would be the lowest level for sewer at the point of the subject property which is 375 feet above sea level at its highest point. He testified that in order to allow gravity flow to the 384.5 feet invert level, it would require filling and raising the subject property to a level of 389 feet above sea level, some 14 feet above its present level at its highest point. This would cause the engineering cost per lot (if the property were developed as R-6) to reach a per lot cost of approximately \$6,000, which would make its development in its present R-6 category economically impossible.

DONALD M. THOMEY
vs.
WILLIAM S. BALDWIN,
W. CILES FARMER, and
R. BRUCE ALDERMAN, being
and constituting the County
Board of Appeals of
Baltimore County
BRIGHT REALTY CO., INC.
(Intervenor)

MEMORANDUM OPINION AND ORDER OF COURT

This case involves an appeal from the County Board of Appeals of Baltimore County (hereinafter referred to as the "Board"), which by its Order dated August 30, 1966, granted a reclassification of the property described in this proceeding from an R-6 Zone (Residence, 1 and 2 family) to an R-4 Zone (Residence, apartments). The Zoning Commissioner of Baltimore County, by his Order dated May 12, 1965, had denied the reclassification for the reason that, in his opinion, the Petitioner "failed to prove error on the Land Use Map" adopted by the County Council. The Board found that the evidence before it was sufficient to substantiate a finding of error in zoning the subject property in an R-6 classification and, consequently, granted the reclassification for apartment use as requested.

The Petitioner in the application for reclassification is Bright Realty, Inc. (the correct corporate name thereof being Bright Realty Co., Inc.), the legal owner of the property in question. The land sought to be reclassified comprises two small parcels of land designated as Parcel "A" and Parcel "B" as shown on the plat filed with the Petition for reclassification (Petitioner's Exhibit 1). Parcel "A" contains .576 acres of land and is situated at the southwest corner of Kinchloe Avenue and Thayer Terrace, having a frontage on the

Bright Realty, Inc. - #65-311-R

Although Mr. George E. Gavelis, Director of Planning for Baltimore County, stated in his comments that the subject parcel, if zoned R-4, would have an entirely different classification than that of the surrounding area, it is the finding of the Board that the location of this small tract of land, contiguous on one side to the Clarke Manor Apartments and on the other side to public land, affords a good location for a small apartment development such as that outlined on the subject petition.

From the testimony offered, the Board finds that there was error committed in zoning the subject property R-6. Not only is there a severe sewer problem with the subject property making it economically unfeasible for anyone to develop in R-6, the property is also bisected by drainage and utility reservations. It is our feeling that the land should have been zoned R-4 because of its proximity to the Clarke Manor Apartments in light of the above stated conditions which made impossible development of this land under its existing classification.

There was some testimony that the proposed development of the subject property would create a traffic hazard along Kinchloe Avenue and Thayer Terrace. The Board finds, from testimony offered, that no traffic congestion or hazard would be created by such development. The small number of units located here would only add approximately thirteen additional cars to the peak hour traffic, and the Board believes, from the testimony, that these streets could easily handle this additional traffic.

It is, therefore, the feeling of the Board that the subject property should be reclassified from R-6 to R-4.

ORDER

For the reasons set forth in the foregoing Opinion, it is this **3rd** day of August, 1966 by the County Board of Appeals, ORDERED that the reclassification petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Ciles Farmer

R. Bruce Alderman

southwest side of Kinchloe Avenue of 211.26 feet and a frontage on the north-west side of Thayer Terrace of 187.5 feet. Parcel "B" contains .576 acres of land and is situated at the southeast corner of Kinchloe Avenue and Thayer Terrace, having a frontage on the southwest side of Kinchloe Avenue of 265.77 feet and a frontage on the southeast side of Thayer Terrace of 187.5 feet. Kinchloe Avenue is a 40-foot roadway with 19 feet of gravel paving. Thayer Terrace is a 40-foot roadway with macadam paving varying in width from 12 to 14 feet to approximately 19 to 20 feet. Kinchloe Avenue is a dead-end road on both the east and west and exists to the west of Parcel "A" for a distance of approximately 790 feet and intersects Royal Court Drive approximately 150 feet from Parcel "A". Royal Court Drive terminates at Kinchloe Avenue on the south and extends to Windsor Mill Road on the north. Thayer Terrace proper terminates at Kinchloe Avenue, at which point it narrows and an extension of said road separates Parcels "A" and "B" and leads to property owned by the Recreation Department of Baltimore County and now known as Woodlawn Memorial Park.

The two parcels of ground in question are situated approximately 900 feet south of Windsor Mill Road, access to which is provided by Thayer Terrace. (For the purpose of this case, the Board considered Windsor Mill Road as running east and west and Thayer Terrace as running north and south.) The property is located in the Second Election District of Baltimore County and is shown on the Official Baltimore County Zoning Map known as the "Western Area Map" adopted by the County Council of Baltimore County on November 15, 1962. The land to the north of the parcels in question is zoned in an R-6 classification, and between Kinchloe Avenue and Windsor Mill Road there are approximately 23 individual homes on both sides of Thayer Terrace; the zoning contiguous to Parcel "A" on the west is R-6; the land bounding on the south of both parcels is in public ownership, a portion of which constitutes Woodlawn Memorial Park as above mentioned and a portion of which comprises the

Featherbed Lane Elementary School; the land adjoining Parcel "B" on the east was classified for R-4 use on the above mentioned zoning map, and at the time of the hearing before the Board, the apartments were near completion and were known as Clarke Manor Apartments. The southerly portion of both Parcels "A" and "B" are traversed by a stream which is a tributary of Cwynns Falls. By reason of the existence of this stream, a drainage and utility reservation is required by Baltimore County, Maryland to be set aside. This reservation will comprise a portion of Parcel "A" approximately 80 feet in width extending for an average of 200 feet across said entire parcel and a strip 60 feet in width extending across Parcel "B". This reservation materially diminishes the useable land for development purposes for both parcels under consideration.

The subject property was zoned R-6 on the Western Area Zoning Map above referred to and adopted as aforesaid on November 15, 1962. The Petitioner in this case contends that there was "error" in this classification of its property as shown on said map asserting that it is impossible to economically develop the property for one and two family residences permitted under the existing classification. To substantiate this contention, the Petitioner produced the following witnesses at the hearing before the Board on June 16, 1966: Lester Mats, a civil engineer whose qualifications were admitted; Stanley Hackerman, President of the Petitioner corporation and owner of the parcels of land in question; and Frederick F. Klaus, whose qualifications were admitted as realtor and real estate appraiser.

Mr. Mats described the proposed development of the subject parcels as shown on the plan accompanying the Petition for reclassification and under which 15 apartment units are proposed on Parcel "A" and 17 apartment units on Parcel "B", making a total of 32 apartment units for both tracts. During his testimony, it was admitted that there was a sewer installation in Kinchloe Avenue and Thayer Terrace, which would adequately serve the proposed 32 units (T. 14). Mr. Mats further testified that his firm handled the engineering for the Petitioner for the sub-division of the original tract comprising approximately 10

"4. The sight distances from Thayer Terrace in either direction on Windsor Mill Road are poor. Additional traffic created by an apartment development would lead to hazardous conditions at this point.

"5. At present, there is a drive through Woodlawn Memorial Park beginning at Kinchloe and Thayer, winding through the park, and terminating at Woodlawn Drive. Unfortunately there has been a tendency to use this drive -- part of the park property -- as a through street. In our opinion, apartment development as is proposed here would increase traffic on this road to the point of creating a hazard.

"6. In view of the above consideration, we recommend that the petition be denied. We see no reason that the property cannot be developed within the context of its present zoning."

In his testimony, Mr. Gavrellis admitted that as far as comment No. 1 is concerned, which relates to "spot zoning" aspect relative to the subject property, that this comment was based on the assumption that there was an intervening strip of land classified R-3 between the Clarke Manor Apartments and Parcel "B" (T. 100-101, 115). The weight of this comment is, therefore, substantially dissipated since it has been established that Parcel "B" is actually contiguous with the apartment zone along its easternmost boundary line. The remaining comments of the Office of Planning relate to access to the property and the question of increased traffic and the alleged resulting hazard.

The principal element in the testimony of Mr. Gavrellis, upon which the Protestants rely, is the existence of a sanitary sewer line in the Clarke Manor Apartment development located within a publicly owned utility easement reservation situate approximately 250 feet easterly of Parcel "B". It was also established that the elevation of the sewer line referred to is 358.72 feet, which elevation is substantially lower than the lowest point of the subject property (T. 105). This would indicate that the two parcels in question could be served by gravity flow into this sewer line. Mr. Gavrellis admitted, however, that he had made no study of the onsite costs of development of the parcels in question assuming that sewer service would be provided by the line referred to. He was further questioned as follows: (T. 105-106)

acres of land and of which Parcels "A" and "B" comprise a part. Mr. Mats further testified that there is an existing sanitary sewer in Kinchloe Avenue and Thayer Terrace, the invert elevation of which is 365.34 feet and that the elevation of the subject parcels is 375 feet above sea level at their highest point (T. 19). He stated that the development costs to maintain a gravity flow into the sewer line referred to would necessitate drop footings and fill, which along with the normal development costs would amount to \$6,000.00 per lot if the property was developed in an R-6 classification (T. 19-20). It was his opinion from an engineering standpoint that it would not be feasible to spend such an amount of money for lot development since the normal cost of the development of R-6 lots is approximately \$2,400.00 to \$2,600.00 per lot. On cross-examination, he was asked if there would be any material change in his testimony if the property were severable either through the sewer line in the Memorial Park or the existing sewer in the Clarke Manor Apartments development. His conclusion was that it would not be possible to sewer the subject property from the line in the Memorial Park and even if the property could be sewered from the existing line in the Clarke Manor Apartments, this differential in cost would still not render it possible to develop the land under its existing classification (T. 53). Mr. Mats also testified as to the traffic congestion or hazard as a result of the apartment development and, in his opinion, the difference of adding 7 apartment units in the proposed area development as compared to the permitted development under an R-3 classification, resulting in 13 additional trips, which would be generated by the apartment use, would be negligible as far as traffic conditions were concerned.

Mr. Hackerman testified that he -- President of the Petitioner corporation -- has been engaged in the building business for approximately 20 years, having built approximately 400 houses but no apartments although his company owns over 500 apartment units and he lives and manages the same.

"Q You wouldn't know whether or not any fill is required, or how much, or what you would have to do?

"A The only conclusion I can come to, is a general one, that it is possible, by virtue of the sewer line we have just been talking about, coming through the apartment development, to provide sewer service to Parcel A, and even Parcel B, in such a state that the outfall is on the low side of the lot, the stream side of the lot rather than on the high side or Thayer Terrace side of the lot.

"What this means in terms of final cost, I am not sure. It does mean, from a general planning point of view, the whole business of grading those parcels for development of single houses or semi-detached houses, has got to be easier."

On the question of need for apartment use land in this area, Mr. Gavrellis testified on cross-examination as follows (T. 112-113):

"Q And I think you have told us before that at the time of projection of these land use sheets, and the zoning maps, which followed them, that in these general areas there was an insufficient amount of apartment land zoned, and that these petitioned cases are the response to the needs which have developed since that time?

"A I have made such a statement, yes.

"Q And all this just served to keep the map comprehensive?

"A That is true, particularly when the changes happened to coincide with the objectives of the comprehensive plan."

The Board, in granting the reclassification requested from R-6 to R-A zoning, stated, in its opinion, the following reasons:

"Although Mr. George E. Gavrellis, Director of Planning for Baltimore County, stated in his comments that the subject parcel, if zoned R-A, would have an entirely different classification than that of the surrounding area, it is the finding of the Board that the location of this small tract of land, contiguous on one side to the Clarke Manor Apartments and on the other side to public land, affords a good location for a small apartment development such as that outlined on the subject petition."

"From the testimony offered, the Board finds that there was error committed in zoning the subject property R-3. Not only is there a severe sewerage problem with the subject property making it economically unfeasible for anyone to develop in R-3, the property is also bisected by drainage and utility reservations. It is our feeling that the land should have been zoned R-A because of its proximity to the Clarke

He further stated that the 10-acre tract included Parcels "A" and "B" under consideration and was purchased in 1954 or 1955; that immediately thereafter, he caused engineering studies to be made and developed all of the tract with the exception of Parcels "A" and "B" as individual homes, said development being known as Royal Court Acres. This development comprises 42 individual homes, which were completed within the period of 12 to 18 months after the commencement of the development in 1955 or 1956. These houses were readily sold and a reasonable return on the cost of the land and construction of the homes was realized. He installed the roadways known as Royal Garden Drive, Royal Court Drive and improved a portion of Kinchloe Avenue. Before starting his development, the plan provided for the building of 7 individual homes on Parcels "A" and "B". When it was determined that the development cost for these 7 homes were prohibitive, he built the 42 houses and "just forgot about Parcels "A" and "B" (T. 71, 73, 80). He further testified that in 1959 a Petition was filed for apartment zoning on Parcels "A" and "B" but that this Petition was withdrawn on April 2, 1960, without any hearing (T. 81-83). He also stated that, in his opinion, there was "a definite need for apartments in the area" based on his study and survey (T. 67); that he had made no attempt to have the property zoned for apartment use on the Zoning map since he was not aware the new Map was being prepared (T. 82).

Mr. Klaus, the remaining witness for the Petitioner, testified that, in his opinion, as realtor, the highest and best use of the land in question was for apartment development. He further stated that the property was erroneously zoned R-3 and should properly be reclassified R-A and assigned the following reasons (T. 124):

"Q What are your reasons for this opinion?

"A My reasons are twofold. A, that the property is contiguous to the apartment zone, which is now being completed, to the east. B, that this property is situated by drainage in the vicinity of a sewerage main, and the result of the present development of two individual properties within the R-A scope."

Manor Apartments in light of the above stated conditions which made impossible development of this land under its existing classification.

"There was some testimony that the proposed development of the subject property would create a traffic hazard along Kinchloe Avenue and Thayer Terrace. The Board finds, from testimony offered, that no traffic congestion or hazard would be created by such development. The small number of units located here would only add approximately thousand additional cars to the peak hour traffic, and the Board believes, from the testimony, that these streets could easily handle this additional traffic."

The Appellant contends that the sole basis of the Board's decision was that the property in question could not be economically developed under the existing R-6 classification and to retain this classification would, in fact, amount to confiscation. The Appellant further asserts that the Petitioner did not meet the burden of establishing confiscation under the existing zoning and thus require rezoning but, to the contrary, the Petitioner's evidence merely indicates that it would be more profitable to develop the land for apartment use rather than one or two family homes. The Appellant cites the following cases: Shadmoor Imp. Ass'n v. Holloy, 232 Md. 258; Greenblatt v. New Rochelle, 235 Md. 9; Pohl v. County Bd. of Appeals, 237 Md. 294; and Miller v. Abrahams, 239 Md. 263. The first three cases support the general rule that a land owner is not entitled to a reclassification merely because it would be more profitable to develop the land under some other zoning classification. The Pohl case holds "that unsupported general claim of economic unfeasibility of existing zoning will not require a change in zoning status" (page 297 of 237 Md.). The Miller case supports the position that "the reasons presented by an expert to support his opinion cannot be immaterial or frivolous in character, but must be sound and substantial ones."

There can be no quarrel as to the existence of the general rules as contended by the Appellant. It is in the application of these rules to the facts and evidence in each particular case wherein "lies the rub". The problem is to determine whether or not an expert's reasons in support of his conclusion are of

Later in his testimony, he gave as an additional reason that, in his opinion, there was insufficient rental housing provided for in this area on the Zoning Map as adopted by the County Council. He also stated that the development of the subject parcels for apartment use would have no effect upon the value of surrounding properties.

Protestants submitted the testimony of 3 individual property owners in the vicinity of the land sought to be rezoned, namely, John L. Durr, 2012 Poplar Drive (5 blocks distant); John H. Uhler, 2010 Royal Court Drive (1 block distant); and Donald M. Thomey, 1902 Thayer Terrace, the within Appellant who has resided for 17 years about 100 feet from the property sought to be reclassified. These individual property owners have no objection to apartments per se but are primarily concerned with the increased traffic that will be placed on Thayer Terrace and particularly at its intersection of Windsor Mill Road.

The remaining witness offered by the Protestants was George E. Gavrellis, Director of Planning for Baltimore County. He submitted the comments of the Planning Staff, which were dated April 20, 1966. These comments were as follows: (T. 90-92)

"April 20, 1966. The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

"1. A reclassification as proposed by the petitioner would result in an almost classic case of spot zoning: not only would the subject parcels have a entirely different classification than that of the surrounding area, but the property has no special locational factors which would justify the reclassification. Apartment zoning would not serve a transitional function, and it would not be in accordance with a comprehensive plan.

"2. At present, Kinchloe Avenue is not improved. Further, improvement as proposed by the petitioner would not better access from the subject site to a major road.

"3. The physical condition of Thayer Terrace is that of a narrow -- and poorly -- paved road. It is not adequate to serve an apartment development on the subject parcel."

such a substantial nature as to logically appeal to a reasoning mind. In the instant case, Mr. Mats testified that even if the property could be sewered from the existing line in the Clarke Manor Apartment development, it would still not be economically possible to develop the land under its existing classification. This conclusion was supported by logical and substantial reasons. Mr. Gavrellis was of the opinion that serving the subject property from the sewer line in the Clarke Manor Apartment development "has got to be easier", but he was unable to state "what this means in terms of final cost." The Protestants at the hearing before the Board, moreover, furnished no expert testimony of the cost of sewer ing the property from the Clarke Manor Apartment sewer line and, consequently, there was no basis before the Board to make a cost comparison to controvert the testimony of Mr. Mats.

In Miller v. Abrahams, supra, the Court of Appeals of Maryland discussed the matter of expert testimony and concluded that the reasons given by Messrs. Gavrellis and Willemin (the experts who testified in that case) were not of a substantial nature on the question of error in the original zoning.

In the earlier case of Jobor Corp. v. Rodgers Ferry, 236 Md. 106 (decided July 24, 1964), the Court of Appeals concluded otherwise. At pages 121-122, the Court said:

"We turn to the question of error in the original zoning. Again, we start off with the same presumption of validity. The Deputy Director of Planning did not consider the R-6 zoning of the subject property in 1955 to be an error in original zoning, although it was 'suspect' and 'maybe' erroneous when. Mr. Willemin stated that it was his 'considered opinion' that the R-6 zoning was error in the original zoning, and gave his reasons for reaching that conclusion again we do not repeat them here). Although the above may constitute some conflict in the testimony relative to original zoning, we are unable to conclude that this left the record barren of substantial supporting facts relative thereto. The Board stated that it was 'impressed with the testimony of Mr. Willemin regarding the error' in original zoning, and if it decided to accept his opinion for the reasons given by him, we cannot, under our previous holdings, reverse the Board's action, in the absence of a showing that the acceptance of the opinion was arbitrary and capricious in a legal sense. Cf. Boyle v. County Board, supra. Consequently, we hold that the question of error in the original zoning was fairly debatable."

It is not the province of this Court, however, to resolve the various conflicts in the evidence before the Board if there is, in fact, any evidence of a substantial nature supporting the Board's action. In Mothershead v. Bd. of Comm'rs, 240 Md. 365 (decided November 13, 1965), the Court in quoting from Judge Hammond's opinion in Board v. Oak Hill Farms, 237 Md. 274 p. 283 stated at pages 371-372 as follows:

"...the courts have exercised restraint so as not to substitute their judgments for that of the agency and not to choose between equally permissible inferences or make independent determinations of fact, because to do so would be exercising a non-judicial role. Rather, they have attempted to decide whether a reasoning mind could reasonably have reached the result the agency reached upon a fair consideration of the fact picture painted by the entire record."

"In the cases dealing with consideration of the weight of the evidence, the matter seems to have come down to whether, all that was before the agency considered, its action was clearly erroneous or, to use the phrase which has become standard in Maryland zoning cases, not fairly debatable."

See also the following recent cases: Finney v. Halls, 241 Md. 224 (decided February 7, 1966); Hill v. The Job Corp., 242 Md. 16 (decided March 15, 1966); Connors View Club v. Glass, 242 Md. 46 (decided March 22, 1966); Both Wilch v. Blum, 242 Md. 86 (decided March 28, 1966); Board v. Park, 242 Md. 351 (decided April 26, 1966); and Wood v. MacEach, 242 Md. 371 (decided April 28, 1966); Clark v. Holman, 243 Md. 507 (decided July 25, 1966); Park Construction v. Board, 245 Md. 507 (decided March 9, 1967); Barney v. Rosenthal, 245 Md. 197 (decided April 6, 1967).

This Court is of the opinion, moreover, that the Board did not base its decision solely upon the element of confusion, and this element need not be present to support a finding of original error. There was other evidence of a substantial nature before the Board justifying its finding of error in the classification of the property as shown on the Western Area Zoning Map adopted November 15, 1962, and which formed in part a basis for its decision.

As was stated by the Court of Appeals in Hill v. The Job Corp., Corporation, supra, at page 23:

"Even though the existing zoning does not result in confusion and thus require rezone, original error may permit the agency to which the controlling legislative body has entrusted individual reasoning properly to change a classification, Overton v. Co. Commissioners, 225 Md. 712, if it does so on evidence before it which is substantial enough to permit reasoning minds reasonably to conclude that the strong presumption of the correctness of the original zoning or comprehensive rezoning has been overcome."

The Court continued in the concluding paragraph of the opinion in this case as follows (p. 24):

"In the case before us there is no need to consider whether as a matter of law the residential zoning was confiscatory and compelled rezoning and we do not do so. We think the testimony of the president of The Job Corporation and the expert, which we have heretofore detailed, as to the reasons the County Council had erred in putting the Edlethmann land in residential classifications in 1952 was strong, substantial and persuasive enough to justify the Board in the exercise of its expertise in finding that there had been original error. Beane v. Mandel, 224 Md. 121; Overton v. Co. Commissioners, supra. The rezoning to business local was not arbitrary, capricious or illegal, and, having determined this, we have at the same time fulfilled and exhausted our judicial function in reviewing zoning appeals of this nature."

In a zoning appeal case such as the one at bar, this Court, in its limited function of judicial review, may not substitute its judgment for that of the Board; and if the evidence supporting the decision of the Board is substantial and renders the question of its action fairly debatable, the Board must be affirmed. The Court is of the opinion that, considering the entire record before the Board, the Board's action was not clearly erroneous and was not arbitrary or capricious or illegal, but on the other hand was fairly debatable. Having determined this, the Court has fulfilled and exhausted its limited judicial function in reviewing a zoning appeal.

For the reasons stated and in conformity with the foregoing opinion, it is this 31st day of July, 1967, by the Circuit Court for Baltimore County ORDERED that the Order of the County Board of Appeals of Baltimore County dated August 30, 1966, be and the same is hereby affirmed.

Walter M. Jenner
Walter M. Jenner, JUDGE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. James E. Dyer, Chairman
Zoning Advisory Committee
FROM: Mr. Charles R. Morris, Jr.,
Fire Bureau - Plans Review
SUBJECT: Property Owner - Bright Realty, Inc.
10/Corner Kinchloe Avenue and Thayer Terrace
District 2nd - 2 - B - NW - 3 - 7
Present Zoning R - 6
Proposed Zoning R. A.
No. Acres 0.976

1. Location of proposed hydrants and size of water mains shall be indicated on plot plan. Water mains, meters, and fire hydrants shall be of an approved type and installed in accordance with the Baltimore County Standard Design Manual, 1955 Edition. Spacing of hydrants shall be 500 feet distance apart as measured along an improved road, and within 300 feet from any dwelling. Hydrants shall be located in a pattern approved by the Baltimore County Fire Bureau.
2. Parking shall be designed so as to give emergency vehicles an improved radius for turning at end of parking areas.

CVR/MSJ

PETITION FOR RECLASSIFICATION

2nd DISTRICT

ZONING: From R-6 to R.A.
LOCATION: Southwest corner of Kinchloe Avenue and Thayer Terrace, Northwest corner of Kinchloe Avenue and Thayer Terrace.
DATE & TIME: WEDNESDAY, MAY 3, 1967 at 10:30 A.M.
PUBLIC HEARING: Room 301, County Office Building, 111 N. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: R-6
Proposed Zoning: R.A.

All that parcel of land in the Second District of Baltimore County

Parcel A:

Beginning for the same at the intersection of the south-west side of Kinchloe Avenue, 40 feet wide, with the south-east side of Thayer Terrace, 40 feet wide, thence binding on the southwest side of Thayer Terrace South 44 degrees 22 minutes 30 seconds West 187.5 feet, thence leaving said Thayer Terrace North 52 degrees 41 minutes 01 seconds West 215.00 feet, thence North 41 degrees 21 minutes 59 seconds East 215.5 feet to said southwest side of Kinchloe Avenue, thence binding thereon South 45 degrees 37 minutes 40 seconds East 187.5 feet to the place of beginning.

0.976 Acres of land.

Parcel B:

Beginning for the same at the intersection of the south-west side of Kinchloe Avenue, 40 feet wide, with the south-east side of Thayer Terrace, 40 feet wide, thence binding on the southwest side of Kinchloe Avenue South 31 degrees 31 minutes 40 seconds East 265.77 feet, thence leaving said Kinchloe Avenue South 44 degrees 12 minutes 58 seconds West 187.1 feet, thence North 52 degrees 41 minutes 01 seconds West 215.00 feet to said southwest side of Thayer Terrace, thence binding thereon North 44 degrees 22 minutes 30 seconds East 187.5 feet to the place of beginning.

1.118 Acres of land.

Being the property of Bright Realty, Inc., as shown on plot plan filed with the Zoning Department.

Hearing Date: Wednesday, May 3, 1967 at 10:30 A.M.

Public Hearing Room 301, County Office Building, 111 N. Chesapeake Avenue, Towson, Maryland.

By Order Of

John G. Rose

Zoning Commissioner Of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. April 15, 1966

THIS IS TO CERTIFY, That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 5th day of May, 1966, the first publication appearing on the 15th day of April 1966.

THE TIMES

Manager,
John M. Martin

Cost of Advertisement \$23.50

Purchase Order A8763
Registration No. 9413

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: April 20, 1965

FROM: George E. Gervell, Director

SUBJECT: Petition #65-311-R - "R-6 to R.A. Southwest corner of Kinchloe Avenue and Thayer Terrace. Northwest corner of Kinchloe Avenue and Thayer Terrace. Being the property of Bright Realty, Inc."

2nd District

HEARING: Wednesday, May 5th, 1965 (10:30 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. A reclassification as proposed by the petitioner would result in an almost classic case of spot zoning: not only would the subject parcels have an entirely different classification than that of the surrounding area, but the property has no special locational factors which would justify the reclassification. Apartment zoning would not serve a transitional function. And, it would not be in accordance with a comprehensive plan.
2. At present, Kinchloe Avenue is not improved. Further, improvement as proposed by the petitioner would not better access from the subject site to a major road.
3. The present condition of Thayer Terrace is that of a narrow - and poorly - paved road. It is not adequate to serve an apartment development on the subject parcel.
4. The tight distances from Thayer Terrace in either direction on Windsor Mill Road are poor. Additional traffic created by an apartment development would lead to hazardous conditions at this point.
5. At present, there is a drive through Woodlawn Memorial Park beginning at Kinchloe and Thayer, winding through the park, and terminating at Woodlawn Drive. Unfortunately there has been a tendency to use this drive - part of the park property - as a through street. In our opinion, apartment development as is proposed here would increase traffic on this road to the point of creating a hazard.
6. In view of the above considerations, we recommend that the petition be denied. We see no reason that the property cannot be developed within the context of its present zoning.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 2ND
Posted for: R-6 to R.A.
Petitioner: Bright Realty, Inc.
Location of property: SW corner of Kinchloe Ave. & Thayer Terrace
Location of signs: Corner of Kinchloe Ave. & Thayer Terrace
Remarks: 2 signs
Posted by: J. Gervell
Date of return: April 22, 1965

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 2nd
Posted for: Appeal
Petitioner: Bright Realty, Inc.
Location of property: Parcel A NW corner of Kinchloe Ave. & Thayer Terrace
Location of signs: Signs at SW corner of Kinchloe Ave. & Thayer Terrace
Posted by: J. Gervell
Date of return: 6/24/65

INTER-OFFICE CORRESPONDENCE

DIVISION OF TRAFFIC ENGINEERING

Baltimore County, Maryland

Towson 4, Maryland

Date: April 21, 1965

TO: Mr. James E. Dyer
FROM: Eugene J. Clifford

SUBJECT: Zoning Petition 65-311-R
Northwest and southwest corners of Kinchloe Avenue and Thayer Terrace

Review of the subject plat dated February 5, 1965 results in the following comment.

Thayer Terrace is a narrow residential street with poor sight distance at its intersection with Windsor Mill Road. The increased density can be expected to increase the accident potential at this intersection because of this poor sight distance. Also the site can be expected to increase the traffic through Woodlawn Memorial Park to Clarke Boulevard. This is undesirable because of the safety of park patrons.

The apartments can be expected to generate 250 trips per day.

Eugene J. Clifford
Eugene J. Clifford
County Traffic Engineer

EJC:CRN:mr

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

No. 38971

DATE 11/9/66

TO: Richard C. Murphy, Esq.
Lynette Building
Towson, Maryland 21204

County Board of Appeals
(Zoning)

REPORT TO ACCOUNT NO. 65-311-R

QUANTITY DETAIL UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Cost of Certified Documents - File No. 65-311-R

Bright Realty, Inc.

100 and 200 corners Kinchloe Ave. & Thayer Terrace, 2nd District

11-1066 2031 - 78971 IIP- 3.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 30668

DATE 6/28/65

TO: Henry C. Scarborough, Esq.
County Office Building
Towson, Maryland 21204

Office of Planning & Zoning
200 County Office Building
Towson, Maryland 21204

REPORT TO ACCOUNT NO. 65-311-R

QUANTITY DETAIL UPPER SECTION AND RETURN WITH YOUR REMITTANCE

Cost of a sign - Bright Realty, Inc.

No. 65-311-R

1 sign

6-1066 7820 - 30668 IIP- 15.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND

PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Lester Matz, P. E.
John C. Childs, L. S.
Associates

George W. Bushby, L. S.
Robert W. Czaban, P. E.
Leonard M. Glass, P. E.
Norman F. Herrmann, L. S.
Paul Lee, P. E.
Paul S. Smeton

MATZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
1020 Cromwell Bridge Rd. - Towson, Md. 21204
823 - 0900

DESCRIPTION

PARCEL A, NORTHWEST CORNER OF KINCHLOE
AVENUE AND THAYER TERRACE, SECOND ELEC-
TION DISTRICT, BALTIMORE COUNTY, MARYLAND

Present Zoning -R-6 Proposed Zoning - RA

Beginning for the same at the intersection of the southwest side
of Kinchloe Avenue, 40 feet wide, with the northwest side of Thayer
Terrace, 40 feet wide, thence binding on the northwest side of
Thayer Terrace S 44° 22' 20" W - 187.5 feet, thence leaving said
Thayer Terrace N 52° 43' 01" W - 213.09 feet, thence N 44° 24' 59" E -
213.8 feet to said southwest side of Kinchloe Avenue, thence binding
thereon S 45° 37' 40" E - 211.29 feet to the place of beginning.

0.976 Acres of land.

J. O. 56176

2-5-65

ES:img



Water Supply
Sewerage
Drainage
Highways
Structures
Developments
Investigations
Reports

#65-311R

MAP
2-B
WESTERN
AREA
NW-3F
RA
4/26/65

Lester Matz, P. E.
John C. Childs, L. S.
Associates

George W. Bushby, L. S.
Robert W. Czaban, P. E.
Leonard M. Glass, P. E.
Norman F. Herrmann, L. S.
Paul Lee, P. E.
Paul S. Smeton

MATZ, CHILDS & ASSOCIATES, INC.
Engineers - Surveyors - Site Planners
1020 Cromwell Bridge Rd. - Towson, Md. 21204
823 - 0900

DESCRIPTION

PARCEL B, SOUTHWEST CORNER OF KINCHLOE
AVENUE AND THAYOR TERRACE, SECOND ELECTION
DISTRICT, BALTIMORE COUNTY, MARYLAND

Present Zoning R-6 Proposed Zoning R-A

Beginning for the same at the intersection of the southwest side
of Kinchloe Avenue, 40 feet wide, with the southeast side of Thayer
Terrace, 40 feet wide, thence binding on the southwest side of
Kinchloe Avenue S 51° 21' 40" E - 265.77 feet, thence leaving
said Kinchloe Avenue S 44° 12' 59" W - 181.1 feet, thence
N 52° 43' 01" W - 266.97 feet to said southeast side of Thayer
Terrace, thence binding thereon N 44° 22' 20" E - 187.5 feet to
the place of beginning.

1.118 Acres of land.

J.O. 56176

ES:img

2/5/65



#65-311R
Water Supply
Sewerage
Drainage
Highways
Structures
Developments
Investigations
Reports

MAP
2-B
WESTERN
AREA
NW-3F
RA
4/26/65

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND

No. 30567

DATE 5/5/65

To: Harry S. Swetzwelder, Jr., Esq.
 1708 Munday Building
 Baltimore 2, Md.

BILLED TO: Planning Department of Baltimore Co.

DEPOSIT TO ACCOUNT NO. 65-282

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Advertising and posting of property for Bright Realty, Inc. 445-311-2	54.50
PAID — Baltimore County, Md. — Official Receipt		
4-965 4753 • 30567 TTP—		54.50

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
823-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
 Division of Collection and Receipts
 COURT HOUSE
 TOWSON 4, MARYLAND

No. 28690

DATE 5/5/65

To: Harry S. Swetzwelder, Jr., Esq.
 1708 Munday Building
 Baltimore 2, Md.

BILLED TO: Planning Department of Baltimore Co.

DEPOSIT TO ACCOUNT NO. 65-282

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT COST
—	Petition for Reclassification for Bright Realty, Inc. 445-311-2	50.00
PAID — Baltimore County, Md. — Official Receipt		
4-965 3254 • 28690 TTP—		50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

Apr 10, 1965

Harry S. Swetzwelder, Jr., Esq.
 1708 Munday Building
 Baltimore 2, Maryland

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson 4, Maryland

Your petition has been received and accepted for filing this

23rd day of March, 1965

JOHN G. ROSE
 Zoning Commissioner

Owners Name: Bright Realty, Inc.
 Reviewed by: [Signature]

PETITION FOR
RECLASSIFICATION

2nd DISTRICT

ZONING: From R-6 to R.A.
 Zone
 LOCATION: Southwest corner of Kinchloe Avenue and Thayer Terrace Northwest corner of Kinchloe Avenue and Thayer Terrace.
 DATE & TIME: WEDNESDAY, MAY 5, 1965 at 10:30 A.M.
 PUBLIC HEARING: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Present Zoning: R-6
 Proposed Zoning: R.A.

All that parcel of land in the Second District of Baltimore County

Parcel A

Beginning for the same at the intersection of the south-west side of Kinchloe Avenue 40 feet wide, with the north-west side of Thayer Terrace, 40 feet wide, thence binding on the northwest side of Thayer Terrace South 44 degrees 22 minutes 20 seconds West-187.5 feet, thence leaving said Thayer Terrace North 22 degrees 43 minutes 01 seconds West-213.09 feet, thence North 44 degrees 24 minutes 59 seconds East-213.5 feet to said southwest side of Kinchloe Avenue, thence binding thereon South 45 degrees 37 minutes 40 seconds East-211.29 feet to the place of beginning. 0.976 Acres of land.

Parcel B

Beginning for the same at the intersection of the south-west side of Kinchloe Avenue, 40 feet wide, with the south-east side of Thayer Terrace, 40 feet wide, thence binding on the southwest side of Kinchloe Avenue South 51 degrees 21 minutes 40 seconds East-265.77 feet, thence leaving said Kinchloe Avenue South 44 degrees 12 minutes 59 seconds West-181.1 feet, thence North 52 degrees 43 minutes 01 seconds West-286.97 feet to said southeast side of Thayer Terrace, thence binding thereon North 44 degrees 22 minutes 20 seconds East-187.5 feet to the place of beginning. 1.118 Acres of land.

Being the property of Bright Realty, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, May 5, 1965 at 10:30 A.M.
 Public Hearing: Room 301, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order Of
 John G. Rose
 Zoning Commissioner Of Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. April 15, 1965

THIS IS TO CERTIFY. That the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md. once in each of one successive weeks before the 5th day of May, 1965, the first publication appearing on the 15th day of April 1965.

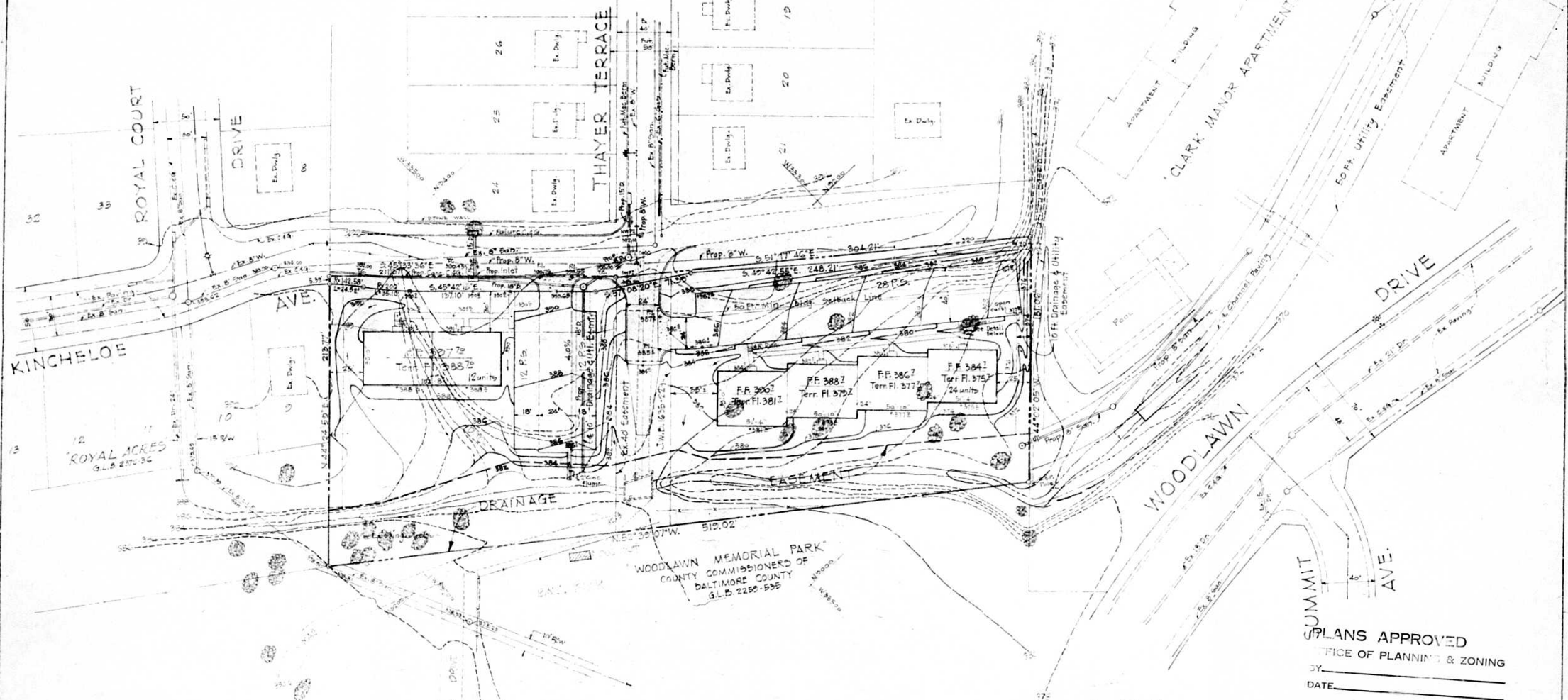
THE TIMES,

Manager.
 John M. Martin

Cost of Advertisement, \$ 25.50

Purchase Order A8763
 Requisition No. F413

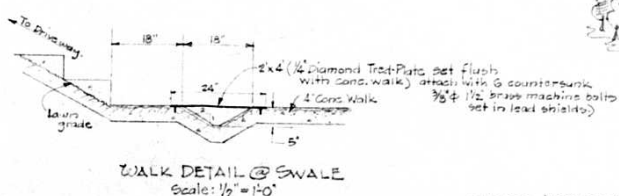
LOCATION PLAN
SCALE: 1"=500'



GENERAL NOTES-

1. TOTAL AREA OF TRACT 2.2592 AC.
2. TOTAL NET AREA OF TRACT 2.1738 AC.
3. TOTAL GROSS AREA OF TRACT 2.4633 AC.
4. GROSS RESIDENTIAL DENSITY 14.53 U./AC.
5. NET RESIDENTIAL DENSITY 16.56 U./AC.
6. TOTAL APARTMENT UNITS PROPOSED 36
7. PARKING SPACES PROPOSED @ 85'x18' 52
8. HEIGHT OF BUILDING 27 FT.
9. ZONING R-A

PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY *[Signature]*
DATE 4/1/68

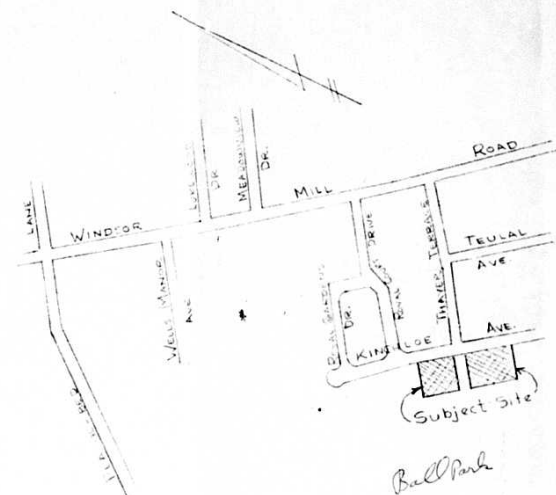


WOODLAWN VILLAGE
(KINCHELOE APARTMENTS)
2ND ELECTION DISTRICT
Scale: 1"=80'
BALTIMORE COUNTY, MD.
March 22, 1968



OWNER & DEVELOPER
THE MACHIDE VENTURE CO.
311 OVERLOOK DRIVE
TIMONIUM, MARYLAND

MATZ, CHILDS & ASSOCIATES, INC.
1020 CHOMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204



COB
P. 46-#

1. EXISTING ZONING OF PARCELS "R-C"
2. EXISTING USE OF PARCELS "No Use"
3. PROPOSED ZONING OF PARCELS "R-A"
4. PROPOSED USE OF PARCELS "APARTMENT Use"

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
KINCHLOE AVE. & THAYER TERRACE

BALTIMORE COUNTY, MD.

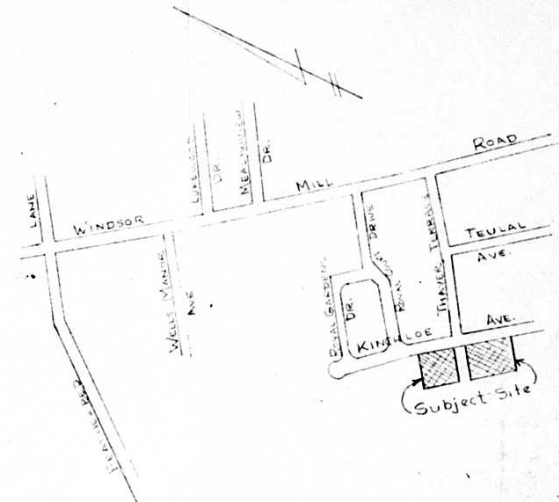
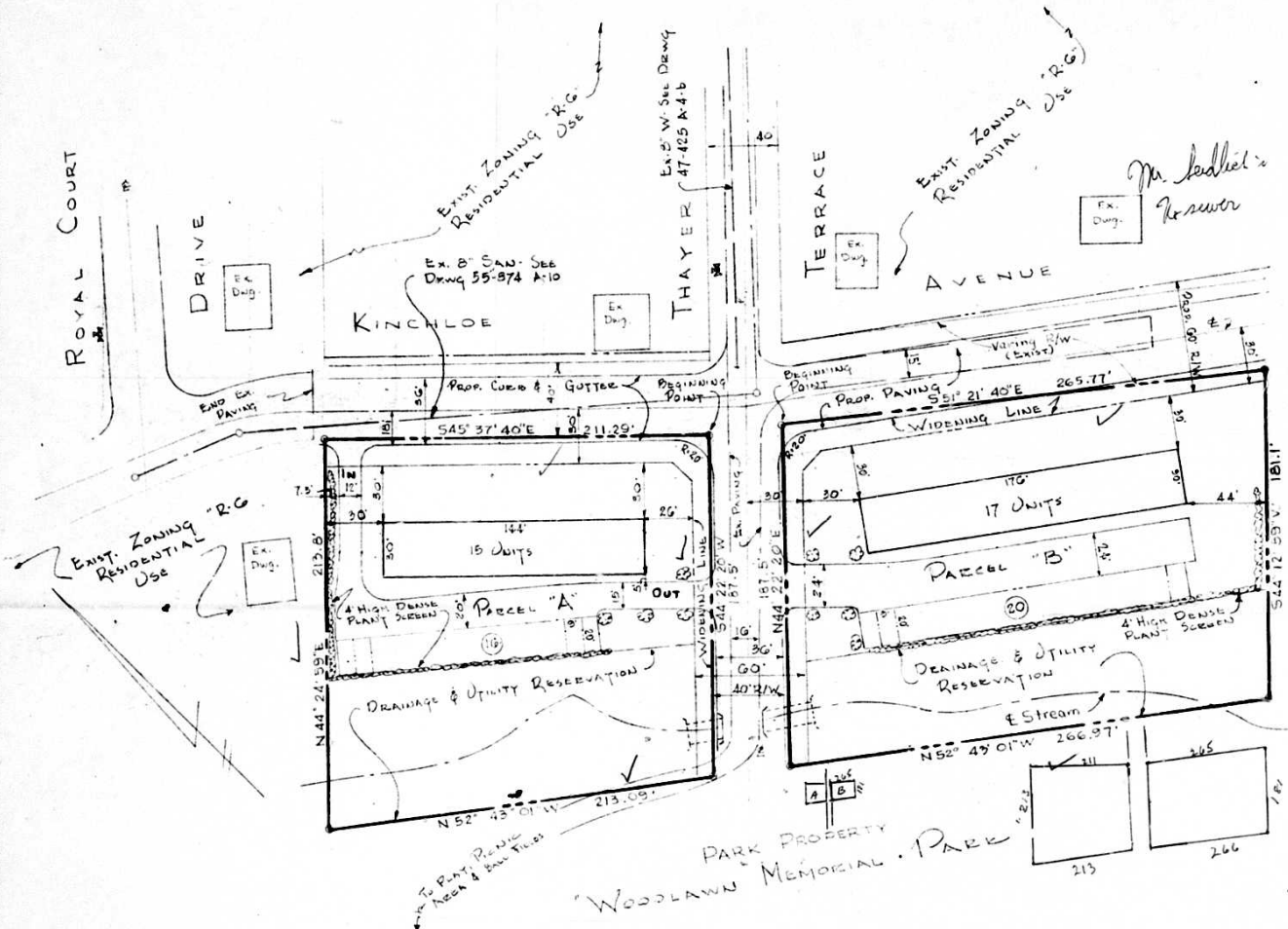
FEB 5th, 1965



M. T. Z. CHILDS & ASSOCIATES
1020 CROMWELL BRIDGE ROAD
BETHESDA, MARYLAND 21204

DATE	DRAWN BY	DESIGNED BY	CHECKED
5/6/76	RLS		PL





LOCATION PLAN
SCALE: 1" = 500'

OFFICE COPY
X 65-311R

MAP 2-B
WESTERN AREA
NW-3-F
"RA"

- GENERAL NOTES**
1. EXISTING ZONING OF PARCELS "R-G"
 2. EXISTING USE OF PARCELS "No Use"
 3. PROPOSED ZONING OF PARCELS "R-A"
 4. PROPOSED USE OF PARCELS "APARTMENT USE"

DENSITY CALCULATIONS

	PARCEL "A"	PARCEL "B"
AREA OF TRACT	0.976 Ac.	1.118 Ac.
GROSS ACREAGE	1.142 Ac.	1.326 Ac.
NET ACREAGE	0.864 Ac.	0.998 Ac.
APTS. ALLOWED	15	17
GROSS DENSITY	13.13	12.82
NET DENSITY	17.36	17.03
REQUIRED PARKING	15 UNITS	17 UNITS
PROPOSED PARKING	16 UNITS	20 UNITS

PLAT TO ACCOMPANY PETITION
FOR
RECLASSIFICATION OF PROPERTY
VICINITY
KINCHLOE AVE. & THAYER TERRACE

ELECTION DISTRICT 2
SCALE: 1" = 50'

BALTIMORE COUNTY, MD.
FEB 5th, 1965



MATZ, CHIES & ASSOCIATES
1016 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204
5616 RLS PL.

